

## **REMARKS**

Claims 9, 27 and 39 have been cancelled. Claims 1 and 15 have been amended to clarify the subject matter regarded as the invention. Claims 1-8, 10-26, 28-38 and 40-53 remain pending.

Claims 1-5, 8-11, 13-21, 27-36, 40-41, 44-49 and 52-53 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kwoh. Claims 6-7 and 50-51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh et al in view of Abecassis. Claims 37-38 stand rejected under 30 U.S.C. 103(a) as being unpatentable over Kwoh et al in view of Cruz et al. Claim 12 stands rejected under 30 U.S.C. 103(a) as being unpatentable over Kwoh et al in view of Horio et al. Claims 22-23 and 43 stand rejected under 30 U.S.C. 103(a) as being unpatentable over Kwoh et al in view of Murphy et al. Claims 24-26 stand rejected under 30 U.S.C. 103(a) as being unpatentable over Kwoh et al in view of Konishi. Claim 42 stands rejected under 30 U.S.C. 103(a) as being unpatentable over Kwoh et al in view of Nickles.

The rejection is respectfully traversed. With respect to claim 1, Kwoh et al does not teach or suggest a recording unit comprising "control interface device for enabling a user to control operation of the recording unit, the control interface device further comprising marking means for enabling the user to specify multiple types of non-contemporaneous marks and to specify a marking definition of at least one of the multiple types of non-contemporaneous marks", wherein "each of the multiple types of non-contemporaneous marks has a different meaning that is defined by its marking definition.". The Office Action cited Kwoh page 2, paragraphs #0032 and #0035 as marking means adapted to enable specification of multiple types of non-contemporaneous marks, each type of mark having a different meaning. However, paragraph #0032 describes a way of recording a title in a system that is prior art to Kwoh, and

paragraph #0035 describes a way of recording a voice title according to Kwoh's invention.

Therefore, the two titles belong to two separate systems. Furthermore, the markings have the same type of meaning (i.e., the title) and the meaning is not specified by the user. As such, claim 1 is believed to be allowable.

Claims 2-8 and 10-14 depend from claim 1 and are believed to be allowable for the same reasons described above.

Similarly, with respect to claim 15, Kwoh et al does not teach or suggest a portable recording unit comprising "a control interface device for enabling a user to control operation of the recording unit, the control interface device further comprising marking means for enabling the user to specify multiple types of non-contemporaneous marks and to specify a marking definition of at least one of the multiple types of non-contemporaneous marks" wherein "each of the multiple types of marks has a different meaning that is defined by its marking definition and the marking definition of one of the multiple types of marks is definable by the user".


Claims 16-26 and 28-38 depend from claim 15 and are believed to be allowable for the same reasons described above.

With respect to claim 40, Kwoh et al does not teach or suggest "means for producing a mark, wherein the means for producing a mark further comprises means for producing a mark and/or supplementing or modifying an existing mark based on the value of, or an analysis of, data acquired by the recording unit". Kwoh's voice title (222 of Fig. 2, page 2, paragraph #0035) does not "supplementing or modifying an existing mark based on the value of, or an analysis of, data acquired by the recording unit". As such, claim 40 is believed to be allowable.

Claims 41-53 depend from claim 40 and are believed to be allowable for the same reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Diana Y. Fu', with a long horizontal flourish extending to the right.

Diana Y. Fu  
Registration No. 52,924  
V 408-973-2593  
F 408-973-2595

VAN PELT AND YI, LLP  
10050 N. Foothill Blvd., Suite 200  
Cupertino, CA 95014